THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26122 OF 2005

Dated: 07-12-2005

Between

Katuru Balaiah, S/o. Naraiah, R/o. Thalvaipadu Village, Pellakur Mandal, Nellore District and another.

...PETITIONERS

AND

The Commissioner of Appeals, O/o. The Chief Commissioner of Land Administration, Nampally Road, Abids, Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioners seeks a Writ of Mandamus to declare the action of the first respondent in not passing the orders either on stay petition or on the revision petition filed before him in respect of the lands Ac.0.33 cents in Sy.No.74.20, Ac.0.21 cents in Sy.No.74-23, Ac.1.09 cents in Sy.No.74-24, Ac.0.33 cents in Sy.No.74-25, Ac.0.14 cents in Sy.No.74-26 and Ac.0.75 cents in Sy.No.74-34 of Thalvaipadu village, Pellakur Mandal, Nellore District as illegal and arbitrary.

Learned counsel for the petitioners states that originally certain lands were assigned in favour of the fourth respondent by the third respondent vide proceedings in Rc.C.718/88 dated 14.02.1989 and the fourth respondent mortgaged an extent of Ac.0.50 cents out of Ac.0.75 cents in Sy.No74-34 in favour of the second petitioner and the remaining Ac.2.35

cents in favour of the first petitioner.

Thereafter, the fourth respondent made a representation to the first respondent, based on which the second respondent initiated action and issued a show cause notice to the petitioners as to why the lands should not be resumed for the alleged violations of provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. The petitioners filed their objections/explanations. However, the Revenue Divisional Officer, Gudur, by order dated 29.07.2004 duly directed the third respondent to take possession of the said lands on the ground that the fourth respondent violated the conditions of allotment by transferring the lands to the petitioners. Aggrieved by the said order of the RDO the petitioners filed WP.No.18996 of 2005 and this Court by order dated 13.09.2005 while permitting the petitioners to approach the Commissioner of Appeals, Hyderabad, within a period of one week from the date of receipt of the said order directed the Commissioner to consider and dispose of the same within a period of eight weeks thereafter and so as to enable the petitioners to get appropriate interim orders, status quo was granted for a period of three weeks. It is submitted that the revision was filed on 29.09.2005 along with application for grant of stay but no orders have been passed.

Having regard to the facts and circumstances of the case, the first respondent is directed to consider and dispose of the stay application as expeditiously as possible and till the stay application is disposed of the same position obtaining as on today shall be continued.

The writ petition is accordingly disposed of.

_____

V. ESWARAIAH, J

December 7, 2005

Note: Furnish C.C. of the order by 09.12.2005

(**B/O**)

DSK